

PACHULSKI STANG ZIEHL & JONES LLP
Jeffrey N. Pomerantz (CA Bar No. 143717) (*admitted pro hac vice*)
John A. Morris (NY Bar No. 2405397) (*admitted pro hac vice*)
Gregory V. Demo (NY Bar No. 5371992) (*admitted pro hac vice*)
Hayley R. Winograd (NY Bar No. 5612569) (*admitted pro hac vice*)
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
Telephone: (310) 277-6910
Facsimile: (310) 201-0760

HAYWARD PLLC
Melissa S. Hayward (TX Bar No. 24044908)
MHayward@HaywardFirm.com
Zachery Z. Annable (TX Bar No. 24053075)
ZAnnable@HaywardFirm.com
10501 N. Central Expy, Ste. 106
Dallas, TX 75231
Telephone: (972) 755-7100
Facsimile: (972) 755-7110

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re: §
§ **Chapter 11**
HIGHLAND CAPITAL §
MANAGEMENT, L.P.,¹ § **Case No. 19-34054-SGJ-11**
§
Reorganized Debtor. §

**SECOND AMENDED STIPULATION AND PROPOSED SCHEDULING ORDER
CONCERNING PROOF OF CLAIM NO. 146
FILED BY HCRE PARTNERS, LLC**

This second amended stipulation (the “Second Amendment”) is made and entered into by and between Highland Capital Management, L.P., the reorganized debtor in the above-referenced bankruptcy case (“Highland” or the “Reorganized Debtor”), and NexPoint Real Estate Partners, LLC f/k/a HCRE Partners, LLC (“NREP”) (together, the “Parties”), by and through their respective undersigned counsel.

¹ The last four digits of the Reorganized Debtor’s taxpayer identification number are 8357. The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

RECITALS

WHEREAS on June 9, 2022, the Parties entered the *Amended Stipulation and Proposed Scheduling Order Concerning Proof of Claim No. 146 Filed By HCRe Partners, LLC* [Dkt No. 3356] (the “Amended Stipulation”), which contained certain dates and deadlines, including an August 5, 2022 deadline for the service of expert disclosures pursuant to Federal Rule of Civil Procedure 26 (the “Expert Deadline”); and

WHEREAS, on June 17, 2022, the Bankruptcy Court signed an Order approving the Amended Stipulation and such Order was filed on June 21, 2022 at Docket No. 3368; and

WHEREAS the Parties have agreed to modify the Amended Stipulation as set forth below; NOW, THEREFORE, it is hereby stipulated and agreed, and upon approval of this Second Amendment by the Court, it shall be SO ORDERED:

1. The Parties agree to modify and supplement the Amended Stipulation as follows:

| Proposed Supplemental Deadlines | |
|--|---|
| 1. Deposition of NREP’s expert, Steven Pully | August 19, 2022 |
| 2. Highland’s Motion to Strike | August 26, 2022 |
| 3. NREP’s Response to Motion to Strike | September 2, 2022 |
| 4. Highland’s Reply in Support of Motion to Strike | September 9, 2022 |
| 5. Argument on Highland’s Motion to Strike | To be set at earliest setting available |

2. If the Motion to Strike is granted, then within fourteen (14) calendar days of the entry of the Order granting the Motion to Strike, Highland shall either (a) file its Motion for Summary Judgment, or (b) if Highland declines to file a Motion for Summary Judgment, confer with NREP’s counsel and the Court to fix new dates for the events described in items 8, 9, and 10

of the Amended Stipulation. NREP agrees not to seek a stay pending appeal of any order granting the Motion to Strike.

3. If the Motion to Strike is denied, then within twenty-one (21) calendar days of the entry of the Order denying the Motion to Strike, Highland shall either (a) serve a rebuttal expert report and make its rebuttal expert available for deposition within seven (7) calendar days thereafter, or (b) if Highland declines to file serve a rebuttal expert report, confer with NREP's counsel and the Court to fix new dates for the Events described in items 8, 9, and 10 of the Amended Stipulation. Highland agrees not to seek a stay pending appeal of any order denying the Motion to Strike.

4. If approved by the Court, this Second Amendment shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

5. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Stipulation.

Dated: August 5, 2022

PACHULSKI STANG ZIEHL & JONES LLP
Jeffrey N. Pomerantz (CA Bar No. 143717)
John A. Morris (NY Bar No. 2405397)
Gregory V. Demo (NY Bar No. 5371992)
Hayley R. Winograd (NY Bar No. 5612569)
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
Telephone: (310) 277-6910
Facsimile: (310) 201-0760
E-mail: jpomerantz@pszjlaw.com
jmorris@pszjlaw.com
gdemo@pszjlaw.com
hwinograd@pszjlaw.com

/s/ Charles W. Gameros, Jr., P.C.
Charles W. Gameros, Jr., P.C.
State Bar No. 00796596

HOGE & GAMEROS, L.L.P.
6116 North Central Expressway, Suite 1400
Dallas, Texas 75206
Telephone: (214) 765-6002
Telecopier: (214) 559-4905
E-Mail BGameros@LegalTexas.com

*Attorneys for NexPoint Real Estate Partners,
LLC, f/k/a HC RE Partners, LLC*

—and—

HAYWARD PLLC

/s/ Zachery Z. Annable
Melissa S. Hayward
Texas Bar No. 24044908
MHayward@HaywardFirm.com
Zachery Z. Annable
Texas Bar No. 24053075
ZAnnable@HaywardFirm.com
10501 N. Central Expy, Ste. 106
Dallas, Texas 75231
Tel: (972) 755-7100
Fax: (972) 755-7110

Counsel for the Reorganized Debtor